

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JIMMY S. HARRIS

Plaintiff

v.

Civil Action No. 4:04-CV-322-D-B

**JO ANNE B. BARNHART,
Commissioner of
Social Security**

Defendant

ORDER

Presently before the Court are the First Motion [doc. 25] and Amended Motion [doc. 26] of Owen Mayfield, attorney of record for the plaintiff, for authorization of attorney fees for representation of plaintiff in this Court pursuant to 42 U.S.C. 406(b); the Commissioner's Response [doc. 27] thereto; and counsel's Reply [doc. 28].

Plaintiff was awarded past-due benefits after a favorable determination of this Court on appeal, reversing and remanding this case for payment of benefits under sentence four of section 405(g) on March 24, 2006. A total of \$19,972.00 was withheld from plaintiff's past-due benefits for payment of attorney fees pending authorization of this Court. Plaintiff's counsel now requests an allowance of \$19,972.00 for services rendered before this Court. The Commissioner concedes that the requested amount is reasonable and that plaintiff's counsel has satisfied the burden placed upon him by *Gisbrecht v. Barnhart*, 122 S. Ct. 1817 (2002). The undersigned agrees and is of the opinion that counsel's petition for attorney fees should be granted.

Therefore, it is

ORDERED:

That the Amended Motion [doc. 26] of Owen Mayfield for approval of attorney fees is

hereby **GRANTED**, and that counsel be, and is hereby, allowed a total of \$19,972.00 to be paid to said attorney by the Commissioner out of past due benefits owing to Plaintiff pursuant to 42 U.S.C. §406(b)(1). Counsel's First Motion [doc. 25] is hereby deemed moot.

THIS, the 6th day of December, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE